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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,465	03/31/2004	Sanjeev Garg	CE10531R/10-266	8002

22917　　　　7590　　　04/10/2007	EXAMINER	
MOTOROLA, INC.	HERRERA, DIEGO D	
1303 EAST ALGONQUIN ROAD		
IL01/3RD	ART UNIT	PAPER NUMBER
SCHAUMBURG, IL 60196	2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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		Application No.	Applicant(s)
Office Action Summary		10/814,465	GARG, SANJEEV
		Examiner	Art Unit
		Diego Herrera	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2004*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/31/2004 was filed.

The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chheda et al. (US publication 20020086692 A1), and in view of Joshi et al. (US

publication 20020160782 A1).

Regarding claim 1. Chheda et al. discloses a method for reducing an erroneous frame classification associated with a communication in a radio access network (RAN), the method comprising:

classifying a first frame associated with the communication on a first channel having a first data rate and classifying a second frame associated with the communication on a second channel having a second data rate; and

However, Chheda et al. does not specifically include re-classifying the first frame from a first condition of the first frame to a second condition of the first frame based on the classifying the second frame, nonetheless, Joshi et al. teaches checking first frame to meet condition to classify second frame (paragraph [0029], [0041], [0047], [0053], Joshi et al. teaches data rate frames and variable rates for multiple channels).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include the include re-classifying the first frame from a first condition of the first frame to a second condition of the first frame based on the classifying the second frame, as taught by Joshi et al. for the power control management and interference minimizing.

Regarding claim 11.   Chheda et al. discloses a method for determining an erroneous frame condition associated with a wireless communication in a radio access network (RAN), the method comprising:

determining a first parameter including one or more of: a

Transmit/Discontinuous Transmit (TX/DTX) parameter (abstract, paragraph [0013]-

[0014], [0041]-[0044], Ccheda et al. discloses a discontinuous transmit), a first rate

parameter (fig. 4, 5, paragraph [0010]), and a first quality parameter (abstract,

paragraph [0020], [0033], Chheda et al. there is a method for quality parameter

threshold), the first parameter associated with a first frame on a first channel having a

first data rate (paragraph [0036], [0038], [0041]);

determining a second parameter including one or more of: a second

TX/DTX parameter, a second rate parameter, a second quality parameter, and a

content parameter associated with a second frame on a second channel having a

second data rate (paragraph [0035], Chheda et al. discloses second channel having

data rate); and

However, Chheda et al. does not discloses specifically determining that

a first condition associated with the first frame includes the erroneous condition and

reclassifying the first condition associated with the first frame to a second condition

associated with the first frame based on the second parameter, wherein the first data

rate is greater than the second data rate, however, Joshi et al. teaches rate data frames

for first condition and second condition (paragraph [0029], [0041], [0047], [0053], Joshi

et al. teaches data rate frames and variable rates).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to specifically include determining that a first condition

associated with the first frame includes the erroneous condition and reclassifying the

first condition associated with the first frame to a second condition associated with the

first frame based on the second parameter, wherein the first data rate is greater than

the second data rate, as taught by Joshi et al. for the purposes of control process.

Regarding claim 18.   Chheda et al. discloses an apparatus for reducing

erroneous frame classifications associated with a communication with a radio access

network (RAN), the apparatus comprising:

an interface capable of supporting a portion of the communication on a first channel

having a first data rate and a second channel having a second data rate less than the

first data rate (fig. 8 paragraph [0055]-[0057]);

a memory (fig. 8, paragraph [0055], Chheda et al. teaches memory

component); and

a processor coupled to the memory and the interface, the memory

storing instructions for causing the processor to (paragraph [0055], Chheda et al.

teaches the processor coupled with memory):

determine a second parameter associated with a first frame on the

second channel (abstract, title, fig. 2-3, paragraph [0038]); and

However, Chheda et al. does not discloses specifically determining that

a first condition associated with the first frame includes the erroneous condition and

reclassifying the first condition associated with the first frame to a second condition

associated with the first frame based on the second parameter, wherein the first data

rate is greater than the second data rate, however, Joshi et al. teaches rate data frames

for first condition and second condition (paragraph [0029], [0041], [0047], [0053], Joshi

et al. teaches data rate frames and variable rates).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to specifically include determining that a first condition

associated with the first frame includes the erroneous condition and reclassifying the

first condition associated with the first frame to a second condition associated with the

first frame based on the second parameter, wherein the first data rate is greater than

the second data rate, as taught by Joshi et al. for the purposes of control process.

2.   A method according to claim 1, the combination discloses further

comprising:

re-classifying the second frame from a first condition of the second frame to

a second condition of the second frame associated with the communication based on

the classifying of the first frame (abstract, paragraph [0013]-[0014], [0041]-[0044],

Ccheda et al. discloses a discontinuous transmit, paragraph [0029], [0041], [0047],

[0053], Joshi et al. teaches data rate frames and variable rates for multiple channels).

3.   A method according to claim 2, the combination discloses further

comprising facilitating an adjustment of a power level associated with the second

channel based on the re-classifying the second frame (paragraph [0002], [0031],

Chheda et al. teaches power level associated with channels).

4.   A method according to claim 2, the combination discloses wherein the

first condition of the second frame includes one or more of a rate parameter and a

quality parameter and wherein the rate parameter includes a less than full rate value

and the quality parameter includes a low quality value (abstract, paragraph [0020],

[0033], Chheda et al. there is a method for quality parameter threshold).

5.   A method according to claim 1, the combination discloses wherein the

first channel includes one of a high capacity channel and a low reliability channel and

the second channel includes, respectively, one of a low capacity channel and a high

reliability channel (paragraph [00036], Chheda et al. teaches high reuse channel

paragraph [0020], [0039] supplemental channel low capacity).

6.   A method according to claim 1, the combination discloses wherein the

RAN includes a cdma2000 RAN, and wherein the first channel includes a supplemental

channel (SCH) and the second channel includes one of a fundamental channel (FCH)

and a dedicated control channel (DCCH) (title, abstract, fig. 1, 4-5; paragraph [0008],

[0009], Chheda et al. teaches CDMA systems for a radio access network).

7.   A method according to claim 1, the combination discloses wherein the

classifying the first frame includes classifying a Transmit/Discontinuous Transmit

(TX/DTX) condition associated with the first frame(title, abstract, fig. 1, 4-5; paragraph

[0008], [0009], Chheda et al. teaches CDMA systems for a radio access network).

8.   A method according to claim 1, the combination discloses wherein the

first condition of the first frame includes a Discontinuous Transmit (DTX) condition and

the second condition of the first frame includes a Transmit (TX) condition (title, abstract,

fig. 1, 4-5; paragraph [0008], [0009], Chheda et al. teaches CDMA systems for a radio

access network).

9.   A method according to claim 7, the combination discloses wherein the

second condition further includes an Erasure condition (abstract, fig. 4-5, paragraph

[0018]-[0019], [0042], [0045], [0051], Chheda et al. teaches the inclusion of Erasure

condition has occurred after step 632).

10.   A method according to claim 1, the combination discloses further

comprising facilitating an adjustment of a power level associated with the first channel

based on the re-classifying the first frame (paragraph [0002], [0014], [0016], [0029],

[0031], power control is discussed by Chheda et al.).

12.   A method according to claim 11, the combination discloses further

comprising determining that a first condition associated with the second channel

includes the erroneous condition and reclassifying the first condition associated with the

second channel to a second condition associated with the second channel based on the

first parameter (fig. 1, paragraph [0027], [0066], Joshi et al. Joshi et al. teaches the

ability to use different schemes for uploading and downloading).

13.   A method according to claim 12, further comprising facilitating an

adjustment of a power level associated with the second channel based on the

reclassifying the first condition associated with the second channel (paragraph [0002],

[0031], Chheda et al. teaches power level associated with channels).

14. A method according to claim 11, the combination discloses wherein

the first channel includes a high capacity channel and the second channel includes a

low capacity channel (paragraph [00036], Chheda et al. teaches high reuse channel

paragraph [0020], [0039] supplemental channel low capacity).

15.   A method according to claim 11, the combination discloses wherein

the RAN includes a cdma2000 RAN, and wherein the first channel includes a

supplemental channel (SCH) and the second channel includes one of a fundamental

channel (FCH) and a dedicated control channel (DCCH) (title, abstract, fig. 1, 5;

paragraph [0008], [0009], Chheda et al. teaches CDMA systems for a radio access

network).

16.   A method according to claim 11, the combination discloses wherein,

if the TX/DTX parameter is equal to DTX and at least one of the conditions of: the rate

parameter includes a value greater than a lowest rate value, the quality parameter

indicates a good frame, and the content parameter indicates bearer data is satisfied,

then the re-classifying the first condition associated with the first frame to a second

condition associated with the first frame includes the first condition where the TX/DTX

parameter is equal to DTX and the second condition where TX/DTX parameter is equal

to TX and the quality parameter is an erasure (title, abstract, paragraph [0013], [0041]-

[0042], Chheda et al. teaches DTX for a CDMA system with mobile station, base

station, and multiple access networks).

17. A method according to claim 11, the combination discloses further

comprising facilitating an adjustment of a power level associated with the first channel

based on the re-classifying the first condition associated with the first frame(abstract,

paragraph [0013]-[0014], [0041]-[0044], Chheda et al. discloses a discontinuous

transmit, paragraph [0029], [0041], [0047], [0053], Joshi et al. teaches data rate frames

and variable rates for multiple channels).

19.   An apparatus according to claim 18, the combination discloses wherein

the instructions further cause the processor to:

      determine a first parameter associated with the first frame on the first channel

(fig. 4, 5, paragraph [0042], Chheda et al. teaches the device first parameter); and

determine that a first classification condition associated with the first frame on the second channel is erroneous (paragraph [0041], Joshi et al. discloses the variable rate data and frames in order to determine errors),

wherein the first classification condition associated with the first frame on the second channel is reclassified to a second classification condition based on the first parameter and an adjustment of a power level associated with the second channel is facilitated based on the re-classification(abstract, paragraph [0013]-[0014], [0041]-[0044], Ccheda et al. discloses a discontinuous transmit, paragraph [0029], [0041], [0047], [0053], Joshi et al. teaches data rate frames and variable rates for multiple channels).

20. An apparatus according to claim 18, the combination discloses wherein the first channel includes a high capacity channel and the second channel includes a low capacity channel (paragraph [00036], Chheda et al. teaches high reuse channel paragraph [0020], [0039] supplemental channel low capacity).

21.   An apparatus according to claim 18, the combination discloses wherein the RAN includes a cdma2000 RAN, and wherein the first channel includes a supplemental channel (SCH) and the second channel includes one of a fundamental channel (FCH) and a dedicated control channel (DCCH) (title, abstract, fig. 1, 5; paragraph [0008], [0009], Chheda et al. teaches CDMA systems for a radio access network).

22.   An apparatus according to claim 18, the combination discloses wherein the first classification condition includes one of an first erasure condition and a discontinuous transmit (DTX) condition and the second classification condition includes, respectively, one of a discontinuous transmit (DTX) condition and a second erasure condition (title, abstract, paragraph [0013], [0041]-[0042], Chheda et al. teaches DTX for a CDMA system with mobile station, base station, and multiple access networks).

23. The apparatus according to claim 18, the combination discloses used in a mobile station wherein the interface is capable of coupling the mobile station and the RAN and supporting a downlink portion of the communication on the first channel and the second channel (abstract, title, fig. 1, paragraph [0027], [0066], Joshi et al. teaches the ability to use different schemes for uploading and downloading).

24. The apparatus according to claim 18, the combination discloses used in a base station wherein the interface is capable of coupling the base station and a Mobile Station (MS) associated with the RAN (abstract, title, fig. 1, paragraph [0027], [0066], Joshi et al. discloses mobile able to function in CDMA system with capability of communication), the interface capable of supporting an uplink portion of the communication on the first channel and the second channel (fig. 1, paragraph [0027], [0066], Joshi et al. Joshi et al. teaches the ability to use different schemes for uploading and downloading).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DH

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